

PART B. DEFENDANT'S CRIMINAL HISTORY

30. Since 1973 the North Carolina Courts have been statutorily required to notify all defendants who are potentially subject to any term of imprisonment of their right to counsel. In all North Carolina convictions, the defendant is presumed to have been represented by counsel or to have knowingly waived representation.

Juvenile Adjudications

31. None known.

Adult Criminal Convictions

<u>Date of Arrest/ Citation</u>	<u>Conviction/Court</u>	<u>Date Sentence Imposed/Disposition</u>	<u>Guideline</u>	<u>Pnt</u>
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Jesus Najar Najar

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|-----|------------------------|---|---|-------------|---|
| 32. | 01/05/1997
(age 16) | No Operator's License,
2 counts
(97CR326, 177),
NC District Court,
Rowan County, NC | 3/11/97: Pled guilty,
\$100 fine and costs | 4A1.2(c)(1) | 0 |
|-----|------------------------|---|---|-------------|---|

The defendant was also charged with Fictitious Information to Officer (97CR325), and the charge was voluntarily dismissed. Upon arrest, the defendant used both Gabriel Mojarro and Jesus Garsia Miramontes as his name.

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|-----|------------------------|--|---|----------|---|
| 33. | 11/29/1998
(age 18) | Driving While Impaired
- Level IV
(98CR26672),
NC District Court,
Henderson County, NC | 6/7/00: Pled guilty, 60
days confinement | 4A1.1(b) | 2 |
|-----|------------------------|--|---|----------|---|

The defendant was arrested under the name Carlos L. Mirumontes. He was represented by counsel. The defendant was also arrested for No Operator's License (98CR26672) and two counts of Failure to Appear (98CR26672), all of which were voluntarily dismissed.

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|-----|------------------------|---|---|----------------------|---|
| 34. | 02/15/1999
(age 18) | Felony Possess
Schedule VI Controlled
Substance
(99CR50877),
NC District Court,
Henderson County, NC | 3/12/99: Pled guilty to
lesser charge, originally
charged with PWISD
Marijuana, \$500 fine
and costs, 5 to 6 months
confinement,
suspended, 1 year
supervised probation;
6/7/00: Probation
violation, probation
revoked, 4 to 5 months
confinement;
10/9/00: Discharged | 4A1.1(b)
4A1.2(k) | 2 |
|-----|------------------------|---|---|----------------------|---|

The defendant was represented by counsel. On 2/15/99, he possessed two pounds of marijuana. On 5/18/99, a violation report was filed stating that the defendant absconded from supervision. The defendant was arrested under the name Carlos L. Vuldivia Mirumonte. He was also arrested for Felony Maintain Vehicle/Dwelling/Place for Controlled Substance (99CR50878), Misdemeanor Possess Drug Paraphernalia (99CR50879), and Driving While License Revoked (99CR50880), and the charges were voluntarily dismissed.

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| 35. | 05/11/2000
(age 19) | Felony Conspiracy to
Sell Schedule VI
Controlled Substance
(00CRS3529),
Superior Court,
Buncombe County, NC | 5/11/00: Pled guilty, 8 to
10 months confinement,
credit for time served
and defendant released | 4A1.1(b) | 2 |
|-----|------------------------|--|--|----------|---|

The defendant was represented by counsel. He was arrested under the name Gabriel Carillo. On 2/17/99, he conspired with Brandi Teague to sell marijuana.

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| 36. | 11/12/2001
(age 21) | No Operator's License
(01CR8859),
NC District Court,
Cleveland County, NC | 12/14/2001: \$25 fine
and costs | 4A1.2(c)(1) | 0 |
|-----|------------------------|--|------------------------------------|-------------|---|

The defendant was arrested under the name Marcelino Carillo Garcia.

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|-----|------------------------|---|--|-------------|---|
| 37. | 04/23/2003
(age 22) | (A) Driving Without
License
(61805CM);
(B) Violation of Open
Container Law
(61806CM);
(C) Possession of
Marijuana
(61807CM);
(D) Giving False
Information
(61808CM),
Greenville, SC | 6/20/03: (A) License
suspended;
(B) Trial in absence, 30
days confinement or
\$100;
(C) Tried in absence, 30
days confinement or
\$440;
(D) Tried in absence, 30
days confinement or
\$440 | 4A1.2(a)(2) | 0 |
|-----|------------------------|---|--|-------------|---|

The defendant was arrested under the name Gabriel Carillo. This offense occurred on 4/22/03. The defendant was tried in absence and was not represented by counsel. There are active bench warrants for the defendant related to these charges. Mr. Najar was later arrested for the federal case in Docket No. 6:03CR528-1. Since this case is related to the charge set forth in Docket No. 6:03CR528-1, no criminal history points are assessed. The defendant was also charged with Trafficking Cocaine (2003-GS-23-4331), and the case was dismissed.

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38.	05/08/2003 (age 22)	Illegal Reentry of Deported Alien (6:03CR528-1), U.S. District Court, District of South Carolina	7/3/03: Pled guilty; 8/22/03: 4 months confinement followed by 2 years supervised release to include 4 months electronic monitoring	4A1.1(b)	2
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The defendant was represented by counsel. He was arrested under the name Gabriel Carillo-Morjarro (AKA: Carlos Miramontes-Valdibia). According to the indictment, on 4/22/03 the defendant, an alien who had previously been deported from the United States subsequent to a conviction for an aggravated felony, knowingly and unlawfully entered and was found in the United States, not having obtained the express consent of the Attorney General of the United States, or his successor, the Secretary for Homeland Security, to reapply for admission. Based on available records, the defendant was deported and was never on supervised release in the District of South Carolina.

39.	01/25/2005 (age 24)	Misdemeanor Possess Less than 1 Ounce of Marijuana, Braselton, GA	3/21/05: Guilty, \$1,425 fine	4A1.1(c)	1
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The defendant's vehicle was stopped and officers found a small amount of marijuana and large quantity of U.S. currency.

40. Criminal record checks also reveal the defendant was convicted of Speeding (01CR8859) in Cleveland County, NC. No criminal history points are assessed. USSG §4A1.2(c)(2).

Criminal History Computation

41. The total of the criminal history points is nine. According to the sentencing table at USSG Chapter 5, Part A, nine criminal history points establish a criminal history category of IV.

9 / IV

Pending Charges

<u>Date of Arrest/ Citation</u>	<u>Charge</u>	<u>Agency or Court</u>	<u>Status</u>
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Jesus Najar Najar

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42.	02/20/2003	Misdemeanor Injury to Personal Property (03CR51091)	NC District Court, Henderson County, NC	Unserviced and pending
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The defendant was arrested under the name Gabriel Carillo.

Other Arrests

	<u>Date of Arrest/ Citation</u>	<u>Charge</u>	<u>Agency or Court</u>	<u>Disposition</u>
43.	10/08/1996	Felony Trafficking in Cocaine (96CRS47528)	Superior Court, Mecklenburg County, NC	4/23/99: Voluntarily dismissed

The defendant was arrested under the name Gabriel Carillo.

44.	02/23/1997	No Operator's License; Expired/No Inspection Sticker (97CR107112)	NC District Court, Mecklenburg County, NC	8/14/97: Voluntarily dismissed with leave
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The defendant was arrested under the name Gabriel Mojarro.

45.	02/18/1999	Fictitious Information to Officer (99CR50916)	NC District Court, Henderson County, NC	3/19/99: Voluntarily dismissed
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The defendant was arrested under the name Gabriel Carillo.

Jesus Najar Najar**1:06CR45-1**

46.	03/19/1999	Felony Trafficking in Marijuana (99CRS52237); Felony Conspiracy to Traffic in Marijuana (99CRS52238)	Superior Court, Buncombe County, NC	5/11/00: Voluntarily dismissed
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The defendant was arrested under the name Gabriel Mojarro Carillo.

47.	10/16/1999	Felony Traffic in Drugs by Transport (99CRS4947); Felony Maintain Vehicle/Dwelling/ Place for Controlled Substance (99CRS4948)	Superior Court, Buncombe County, NC	5/11/00: Voluntarily dismissed
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The defendant was arrested under the name Gabriel Carillo.

48.	09/14/2000	Deportation Proceedings	U.S. INS, Atlanta, GA	Deported
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It appears this charge was related to Docket No. 00CRS3529 set forth in the Adult Convictions section of this report.

49.	02/04/2005	Speeding; No Operator's License (05CR2957)	NC District Court, Buncombe County, NC	8/9/05: Voluntary dismissal with leave
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The defendant was arrested under the name Salvadore Miramontez.

Jesus Najar Najar

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50.	03/31/2006	Felony Trafficking in Cocaine (06CR53937); Misdemeanor Maintain Vehicle for Controlled Substance (06CR53942)	NC District Court, Buncombe County, NC	6/13/06: Voluntarily dismissed
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These charges are related to the instant offense of conviction. The defendant was arrested under the name Jesus Najar Najar.

51.	04/10/2006	(A) Felony Trafficking in Cocaine, 2 counts (06CR54319, 54320); Felony Possess With Intent to Sell and Deliver Marijuana (06CR54322); (B) Misdemeanor Maintain Place for Controlled Substance (06CR54321)	NC District Court, Buncombe County, NC	(A) 6/12/06: Voluntarily dismissed; (B) 6/19/06: Voluntarily dismissed
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The defendant was arrested under the name Gabriel Carillo. This offense is related to the instant federal offense.